

Remarks

Claims 22-31 are pending in the application.

Claims 22-31 were rejected by the Examiner.

Claims 22-31 are rejected under 35 USC 102(a) as being anticipated by "Series V: Data Communication over the Telephone Network," ITU-T, V.8bis, November 2000.

Applicant's representatives attempted to call the Examiner with regard to this reference.

The International Telecommunications Union (ITU) publishes several recommendations. The recommendations are 'approved' as a particular date, but are not actually published until several months later. The date on the front sheet of the recommendation V.8bis, November 2000, is the date that is approved. However, the actual date of publication of this particular recommendation was September 2001. This is evidence by the copyright date on the inside cover of the recommendation, 2001, and the date on the ITU website from which those publications can be purchased by the public, September, 2001.

Therefore, the ITU-T V.8bis recommendation is not a valid reference, as the filing date of this application, January 31, 2001, predates the publication of this reference.

As the application predates this publication, this reference is invalid and does not anticipate the invention as claimed in the application.

Further, the invention as claimed is not shown by this reference. As stated in the specification, on pages 5-6, the V.8bis discussion is merely a framework and the elements of the invention as claimed are not contained in V.8bis.

No new matter has been added by this amendment. Allowance of all claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

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